

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Index No. _____

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Yonah Kohn,Plaintiff designates
Kings County as the
place of trial

Plaintiff,

The basis of venue is
Plaintiff's residence.

- against -

SummonsRabbinical College Bobover Yeshiva Bnei Zion,
Congregation Shaarei Zion of Bobov, and
Camp Shalva

Defendants.

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To the above named Defendants:

YOU ARE HEREBY SUMMONED to answer the Verified Complaint in this action and to serve a copy of your Verified Answer on the undersigned attorneys, Hach Rose Schirripa & Cheverie LLP, representing Plaintiff, within twenty (20) days after the service of this Summons, exclusive of the day of service (or within 30 days after the service is complete if this Summons is not personally delivered to you within the State of New York).

Please take notice that this action is based on a tort cause of action, that plaintiff seeks money damages for personal injuries and that incase of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the Verified Complaint.

Defendants' addresses:

Rabbinical College Bobover Yeshiva Bnei Zion
1533 48th Street Brooklyn, NY 11219**Camp Shalva**
653 Heiden Road, South Fallsburg, NY 12779**Congregation Shaarei Zion of Bobov**
4715 15th Avenue, Brooklyn, NY 11219Dated: New York, New York
October 16, 2019

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, LLP



MICHAEL ROSE, ESQ.

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Attorneys for Plaintiff Yonah Kohn

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS-----X
Yonah Kohn

Index No. _____

Plaintiff,

- against -

VERIFIED COMPLAINTRabbinical College Bobover Yeshiva Bnei Zion,
Congregation Shaarei Zion of Bobov, and
Camp Shalva**JURY TRIAL DEMANDED**Defendants.
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Plaintiff Yonah Kohn by his attorneys Hach Rose Schirripa & Cheverie LLP, complaining of the Defendants, Rabbinical College Bobover Yeshiva Bnei Zion, Congregation Shaarei Zion of Bobov, and Camp Shalva (collectively “Defendants”) respectfully alleges, upon information and belief and states as follows:

NATURE OF THE ACTION

1. Pursuant to CPLR § 214-g, the New York Child Victims Act (the “CVA”), Plaintiff Yonah Kohn brings suit because he is a survivor of childhood sexual abuse and assault. At the hands of rabbis entrusted with his education and soul at Rabbinical College Bobover Yeshiva Bnei Zion, Plaintiff was repeatedly sexually molested and raped there and at the Congregation Shaarei Zion of Bobov.

2. The physically, emotionally, and sexually abusive environment of Rabbinical College Bobover Yeshiva Bnei Zion spilled into every facet of life for those who attended the school. Simply, Rabbinical College Bobover Yeshiva Bnei Zion was a hell for its students. Physical beatings for slight perceived infractions, constant public degradation and humiliation if

students struggled, and repeated sexual abuse and assault at the whim of rabbis entrusted with educating the Chasidic community's children saturated students' existence.

3. Plaintiff's torment continued when he was brutally gang-raped at Camp Shalva where he was forced to spend his summer continuing his Judaic studies during summer vacation. When Plaintiff tried to report his sexual assaults to Rebbes, who held his fate in their hands, those Rebbes turned a blind eye and further brutalized Plaintiff. Upon reporting his assault, Plaintiff was immediately subjected to a physical beating so bad that he had visible marks on his face and body afterward. Plaintiff remained in the school, where his sexual assaults continued until he was denied admission at the yeshiva for high school.

4. After Plaintiff's sexual abuse ceased, he lived in a state of confusion, isolation and sadness. As Plaintiff silently struggled to understand his sexual abuse, he suffered with depression, anxiety, and suicidal ideation.

5. The CVA opened a historic one-year one-time window for victims and survivors of childhood sexual abuse in the State of New York to pursue lapsed claims. Prior to the passage of the CVA, each of Plaintiff's claims were time barred the day he turned 23 years old.

6. As a result of the passage of the CVA, Plaintiff in the pursuit of restorative justice, brings suit to vindicate his rights, have his voice heard, and continue to live his life like a warrior.

PARTIES

7. Plaintiff Yonah Kohn ("Plaintiff") is an individual residing in Brooklyn, New York, County of Kings.

8. Upon information and belief, Defendant Rabbinical College Bobover Yeshiva Bnei Zion ("RCBYZ") is an educational institution and organized according and pursuant to the laws of the State of New York.

9. RCBYZ operates a campus located at 1533 48th Street, Brooklyn, New York 11219 which is its principal place of business and is hereinafter referred to as the “Yeshiva Premises.”

10. RCBYZ does not offer programs leading to the academic degrees authorized by the New York State Board of Regents. RCBYZ promotes that its studies, though different in kind, are equivalent in duration, intensity, depth of knowledge, and quality of scholarship to degree programs approved by the Regents. The credits offered by RCBYZ measure a student’s progress toward the rabbinical degrees offered by this institution.

11. RCBYZ aims to carry forward the chain of Jewish learning and career training. RCBYZ defines its purpose as teaching students Torah learning skills in order to foster creative scholarship and provide the community with Talmudists, scholars, and well-educated laymen. Indeed, among its other missions, RCBYZ aims to “help students develop a holistic Torah approach to life, for integrating Torah teachings and ethics in daily life.”

12. RCBYZ students are expected to behave and to conform to Chasidic practice. The study of Bible, ethics, Halacha (Jewish Law) and Jewish philosophy is not meant to be an abstract or theoretical exercise at RCBYZ.

13. Upon information and belief, Defendant Congregation Shaarei Zion of Bobov (“CSZB”) at all times relevant, and to the present day, was and is a not-for-profit religious corporation organized under New York law with its principal office in Brooklyn, New York.

14. CSZB operates a synagogue and mikvah at 4715 15th Avenue, Brooklyn, New York 11219 hereinafter referred to as the “Mikvah Premises.”

15. At all times relevant hereto, RCBYZ and CSZB frequently work together to serve the Chasidic community within Borough Park, Brooklyn. This relationship is well recognized within the community.

16. Upon information and belief, Defendant Camp Shalva (“Shalva”) was and is a not-for-profit religious corporation organized under New York law with its place of business in South Fallsburg, New York.

17. Shalva operates a sleep-away camp located at 653 Heiden Road, South Fallsburg, NY 12779 hereinafter referred to as the “Camp Premises.”

18. Upon information and belief, Shalva was a frequent destination for youth from RCBYZ and CSZB to continue their Judaic studies when the yeshiva was not in session.

Relevant Non-Parties

19. Rabbi Berel Weiss (“Weiss”) is not a party to this action. However, Weiss is the individual who committed the illegal, heinous, and immoral acts described herein which give rise to Plaintiff’s allegations.

20. At all times relevant, Weiss was a Melamed or teacher at RCBYZ.

21. At all times relevant, Weiss was an employee under the supervision of RCBYZ.

22. At all times relevant, Weiss was an agent of RCBYZ.

23. Rabbi Shlomo Dov Pfefferkorn (“Pfefferkorn”) is not a party to this action. However, Pfefferkorn is the individual who committed the illegal, heinous, and immoral acts described herein which give rise to Plaintiff’s allegations.

24. At all times relevant, Pfefferkorn was a Melamed or teacher at RCBYZ.

25. At all times relevant, Pfefferkorn was an employee under the supervision of RCBYZ.

26. At all times relevant, Pfefferkorn was an agent of RCBYZ.

27. Rabbi Yankel Zitronenbaum (“Zitronenbaum”) is not a party to this action. However, Zitronenbaum is an individual who was aware of the illegal, heinous, and immoral acts of Weiss and Pfefferkorn described herein which give rise to Plaintiff’s allegations.

28. At all times relevant, Zitronenbaum was a Menahel or principal at RCBYZ.

29. At all times relevant, Zitronenbaum was an employee under the supervision of RCBYZ.

30. At all times relevant, Zitronenbaum was an agent of RCBYZ.

JURISDICTION AND VENUE

31. This Court has personal jurisdiction over the claims asserted herein pursuant to C.P.L.R. §§ 301 and 302, in that Defendants transact business in New York.

32. This Court has jurisdiction over this action because the amount of damages Plaintiff seeks exceed the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

33. Venue for this action is proper in the County of Kings pursuant to C.P.L.R. § 503 in that one or more Defendants reside or transact business in this County.

FACTS COMMON TO ALL CAUSES OF ACTION

Plaintiff’s Chasidic Upbringing

34. Plaintiff grew up in a Chasidic community in Borough Park, New York.

35. To classify the Chasidic community as “traditional” is an understatement. Indeed, it is very common for members of the Chasidic community to strive to live in a manner like their 17th and 18th century ancestors did. To that end, Chasidic communities try to stay away from outside influences, like non-Jewish literature, television shows, sports, radios and movies.

36. Chasidic Jews inside Borough Park rely upon their own education and justice systems and see their extreme insularity as a means of self-preservation.

37. What has become clear to anyone – either inside or outside of the Chasidic community – who views the Chasidic community is that what a Rebbe dictates about life to his followers is how that life is practiced by members of his community.

38. Upon information and belief, Chasidism believe that continuing in this way of life is the only way to preserve their traditions and culture.

39. Chasidim also preserve their separation through a separate school system founded by the Chasidim to educate their children. Sunday is a regular school day, while Friday is a half day to allow preparation for the Sabbath, which arrives at sunset.

40. Chasidic boys and girls receive separate and quite different educations, beginning with pre-school. Girls attend all-girls schools through the age of seventeen or eighteen, normally from eight in the morning to around three in the afternoon. Boys, on the other hand, usually extend their school hours at the age of eleven until six in the evening, and after bar mitzvah, the coming-of-age ceremony at age thirteen, return to school after supper for another few hours of study.

41. College and graduate education is almost totally discouraged, as it is seen as a source of cultural contamination.

42. In practice, Chasidic education consists almost exclusively of religious studies such as Torah, Mishnah, Talmud and Jewish law. The little English grammar and basic math that is taught comes after a long day of religious training.

43. Chasidim maintain a language barrier against the non-Chasidic world. Hebrew is reserved for textual study and Yiddish is used for daily speech. The Rebbe communicates with his Chasidim in Yiddish, Yiddish is taught in yeshiva, and used for explanation and study of Hebrew sacred texts.

44. Many Chasidic Jews learn tradition of their community in yeshivas and through observations made in the community. Many of these traditions are rooted in modesty. Specifically, Chasidic Jews are recognizable by distinctive garments worn for reasons of ritual, tradition or modesty. In particular, Orthodox men cover their heads with kippot. After bar mitzvah, men are required to wear black hats or a shtreimel, a type of fur hat. Many Chasidic men wear suits that are reminiscent of the style Polish nobility wore in the 18th century, when Chasidic Judaism began. Before bar mitzvah, young boys are allowed to wear color, but not after. Chasidic women are discouraged from wearing bright, attention-getting colors. Once married, most Chasidic women cover their hair, whether with a hat, wig or scarf. Indeed, children who grow up in the Chasidic community are taught modesty from a young age.

45. Jewish marriage is referred to as kiddushin, from the Hebrew word for “holy,” and sex within the context of this relationship is also considered holy. Children in the Chasidic community are not given any education on sex or any related behaviors until right before marriage.

46. Traditional Jewish law not only prohibits many types of sexual relationships, but it also dictates specific parameters even for permitted ones. For instance, sex with a menstruating woman is forbidden which is a prohibition that continues until the woman immerses in a ritual bath or mikveh.

47. Though some rabbis are highly restrictive about which sexual activities married couples could engage in, the prevailing view is that a man may do with his wife as he wishes provided he has her consent. Because of a lack of education about sex, Chasidic women have a lack of understanding of what consent actually means.

48. Unsurprisingly, the Torah explicitly forbids male homosexual activity, though it says nothing about homosexual orientation or lesbian orientation or acts. Thus, male to male sexual

activity is rooted in shame and stigma. Again, children are not given any kind of education about sex.

49. Deviance” in the sense of individuals who deviate from the religious norms of their religious communities, which often include shunning secular education, limiting social contact with non-charedim (*i.e.*, secular people) and dressing according to distinct rules of modesty, created a stigma in Plaintiff’s community that he understood from a young age.

50. Upon information and belief, the tendency of insular religious groups to cast doubt on victims’ claims and defend alleged abusers was well known in the community.

51. Indeed, to the present day, among the Chasidic community, a rape victim going to the police to “inform” (*i.e.*, mesira) on another Jew was and largely remains taboo and can result in ostracization or worse. Indeed, Chasidism need to live within walking distance of a synagogue and as such there is no getting away from the ties within the community.

52. The schools in the Chasidic community have connections to each other and students cannot go from one school to another without conversation from previous schools. If a school bad-mouths a student, either because the student is problematic or not doing well, the student will not be accepted by another school. To a student in the Chasidic community, this equates to a lack of high school or higher education for that child. To be very clear, even moving to another country does not get a student away from this reality, because the networks are international. To a child in the Chasidic community, ostracization is a fate worse than death.

53. The risks of having their children expelled from schools, losing their jobs, and being shunned by their neighbors and relatives is something that every member of the Chasidic community understands and fears. Ostracization from the Chasidic community would literally

mean a child's entire family would feel the effects of reporting the crime of rape outside of the Chasidic community.

54. This is the reality of the community Plaintiff was born, raised, and sexually abused and exploited in.

Plaintiff's Repeated Sexual Abuse and Assault

55. When Plaintiff was growing up in Borough Park, it was understood that Plaintiff was expected to study at yeshiva, and Plaintiff did in fact study at yeshivas his entire life.

56. Plaintiff was a happy child.

57. In or around the 6th grade, when Plaintiff was eleven (11) years old, he entered RCBYZ and the School Premises.

58. This transition for Plaintiff was difficult as it was customary that children remained in one yeshiva for their entire education, and Plaintiff had previously studied at a yeshiva in Borough Park which closed.

59. At that time, Plaintiff was an outcast and struggling with his Judaic education. Plaintiff excelled at secular studies. However, Plaintiff was at the lower end of the class and a result which made him a target for bullying, both by rabbis at the yeshiva and other students.

60. Plaintiff first encountered Weiss and found solace with Weiss.

61. Plaintiff was struggling with his Judaic studies and was not able to excel no matter how hard he tried.

62. Weiss was not Plaintiff's assigned Rabbi, but he attempted to mentor Plaintiff.

63. At first, Weiss was patient with Plaintiff and would mentor him in his Judaic studies in a classroom on the School Premises. Plaintiff was grateful for the extra help because he felt like less of an outsider at the yeshiva.

64. Weiss would often bring Plaintiff various treats to make him relaxed.

65. Eventually, Weiss began touching Plaintiff in a non-sexual manner, pushing the limits, until Weiss began to massage and rub Plaintiff's penis. Weiss's sexual molestation of Plaintiff continued regularly until his behavior progressed.

66. During one of these mentoring sessions, on the School Premises, when Plaintiff was eleven (11) years old, Weiss began to place his mouth on Plaintiff's penis and force Plaintiff to put his mouth on Weiss' erect penis. Thereafter, Weiss began to regularly and repeatedly force Plaintiff to engage in reciprocal oral sex.

67. After this forced sexual behavior with Weiss, Plaintiff remained confused as he had no knowledge or education about sex.

68. Upon information and belief, there were no measures of security on the School Premises.

69. Upon information and belief, Weiss' behavior was well known among adults on the School Premises.

70. After Plaintiff completed this school year, he was sent to Shalva to attend sleep away summer camp.

71. Upon information and belief, Plaintiff was sent to Shalva because it was expected that, as part of the Chasidic community, Plaintiff would continue his Judaic studies all summer as that was his primary responsibility in his community.

72. While at Shalva, Plaintiff was eager for any means of escape and would often skip his lessons to meander in the woods on the Camp Premises.

73. Upon information and belief, Shalva had a large wooded area that to an 11 year boy, seemed like a forest full of adventure.

74. Upon information and belief, there were no security measures in place on the Camp Premises except for a large fence around the outside boundary of the Camp Premises.

75. The wooded area Plaintiff liked to explore was inside the Camp Premises.

76. One day that summer, when Plaintiff was eleven years old, he wandered around the Camp Premises and walked into the woods on the Camp Premises.

77. During this walk, Plaintiff encountered four to five men, in their late 20s or early 30s, who seemed to be in a jovial mood. These men were smoking marijuana and attempted to force Plaintiff to smoke marijuana with them. Plaintiff refused to smoke and attempted to leave, but the men forced him to stay.

78. Almost immediately, Plaintiff was pushed around and Plaintiff tried to resist them. Immediately, the men became more aggressive and then pushed Plaintiff to the floor. Plaintiff's glasses were bent and covered in dirt. Plaintiff momentarily blacked out and when he came to, his pants were removed and he was being repeatedly orally and anally sodomized by the men.

79. After being brutalized by these men, Plaintiff was forced to return to his studies at Shalva. Confused and sore, Plaintiff did not understand what had happened to him.

80. Plaintiff experienced classic symptoms of depression but no one had noticed these signs and Plaintiff did not understand them at time.

81. Plaintiff returned to his community in Borough Park and resumed his studies at RCBYZ.

82. Upon his return to RCBYZ, Plaintiff was assigned to Pfferekorn as his Rabbi.

83. At some thereafter Plaintiff returned to RCBYZ, Plaintiff reported to Pfefferkorn the sexual abuse he suffered at Weiss' hands.

84. Immediately, Pfefferkorn slapped Plaintiff in the face and told him in Yiddish, which translates to English that “[w]e do not discuss such things.” Plaintiff was more confused because he believed reporting his assault was the right thing to do. Pfefferkorn then hugged Plaintiff.

85. After Pfefferkorn’s reaction to Plaintiff’s reporting, Plaintiff simply continued to study as hard as he could with respect to his Judaic study courses. Plaintiff continued to struggle with these classes, but he continued to excel in the secular classes.

86. Pfefferkorn mocked Plaintiff’s struggles in front of his classmates and then began to physically abuse Plaintiff – often hitting Plaintiff with his hands, or slapping Plaintiff’s knuckles with a stick. This was common practice at RCBYZ and Plaintiff and other students were often humiliated and physically assaulted when they were perceived to do anything a Rabbi did not like.

87. Eventually, Pfefferkorn began to touch, rub, and massage Plaintiff’s penis in a classroom on the School Premises.

88. Pfefferkorn escalated his sexual abuse of Plaintiff, and began to force Plaintiff to perform oral sex on Pfefferkorn and then Pfefferkorn forcefully perform oral sex on Plaintiff.

89. The instances of forced oral sex began to become more and more frequent and always occurred in the classroom on the School Premises.

90. Plaintiff had no escape because Pfefferkorn was his Rabbi and his teacher.

91. Upon information and belief, students at RCBYZ regularly attend services at CSZB.

92. In addition to these services, students regularly attend ritual mikvah baths on the Mikvah Premises.

93. Plaintiff was expected to participate in these mikvah baths because this was considered proper behavior. As such, Plaintiff participated in the custom.

94. Plaintiff would be required to strip naked with other men and boys and dunk himself in the mikvah. Plaintiff was on the Mikvah Premises when the mikvah was both sparsely filled and crowded. There were never towels or any means of covering oneself and children were frequently required to walk around completely nude in front of older men.

95. The mikvah had one entrance and one exit.

96. Upon information and belief, the Mikvah Premises had no security measures in place to protect the children despite the frequent vulnerable state that participants found themselves in.

97. Pfefferkorn would regularly attend the mikvah when Plaintiff was also present.

98. One occasion prior to Plaintiff's bar mitzvah, he attended the mikvah bath. That day, the mikvah was not crowded. Plaintiff dunked in the mikvah, then exited the back, and attempted to the exit the mikvah. When Plaintiff arrived at the exit, he encountered a nude Pfefferkorn. Pfefferkorn was physically imposing to Plaintiff already, but on this occasion, he used his entire body to block Plaintiff from leaving. Pfefferkorn then trapped Plaintiff against a nearby wall and forcefully anally penetrated Plaintiff with his penis.

99. Thereafter, Pfefferkorn took every opportunity to anally sodomize Plaintiff on the Mikvah Premises.

100. After being raped multiple times, Plaintiff finally went to Zitronenbaum and reported Pfefferkorn's behavior.

101. Zitronenbaum slapped Plaintiff in the face and then commenced to violently and heartlessly hit and punch Plaintiff. Zitronenbaum told Plaintiff to never speak of Pfefferkorn's behavior again.

102. Plaintiff emerged from Zitronenbaum's beating with visible marks – for example, discoloration of his face – and an understanding that his treatment at RCBYZ would only worsen.

103. Pfefferkorn continued to molest, orally and anally sodomize Plaintiff, and Plaintiff remained at his mercy.

104. After Plaintiff reported his abuse and assault to Zitronenbaum, Zitronenbaum and Pfefferkorn conspired to ruin Plaintiff's education and prevent him from continuing on with his studies. In fact, suddenly, many problems with Plaintiff's behavior were frequently discussed.

105. Plaintiff was not asked to continue his studies at RCBYZ despite the fact his siblings continued to do so. Plaintiff's failure to be invited back to RCBYZ was a direct signal to the Chasidic community that "something was wrong" with Plaintiff.

106. At all times herein, the acts described herein of Weiss and Pfefferkorn violated the New York State Penal Code.

107. At all times herein, Plaintiff was a minor and did not consent to the illegal acts of Weiss and Pfefferkorn.

108. At all times herein, Plaintiff was a minor and legally unable to consent to the illegal acts of Weiss and Pfefferkorn.

109. As a direct result of the Defendants' conduct described herein, Plaintiff has suffered and will continue to suffer great pain of mind and body, severe and permanent emotional distress, and physical manifestations of emotional distress. Plaintiff was prevented from obtaining the full enjoyment of life; has incurred and will continue to incur expenses for medical and psychological

treatment, therapy, and counseling; and has incurred and will continue to incur loss of income and/or loss of earning capacity. As a victim of sexual abuse, Plaintiff is unable at this time to fully describe all of the details of that abuse and the extent of the harm suffered as a result.

CAUSES OF ACTION

FIRST CAUSE OF ACTION NEGLIGENCE AGAINST RCBYZ

110. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

111. At all relevant times hereto, Defendant RCBYZ owned, operated, managed, maintained, controlled, secured and supervised the School Premises and employees within the School Premises.

112. At all relevant times hereto, Defendant RCBYZ as the owner, operator, supervisor and manager of the School Premises and the employees within the School Premises had a duty to protect the Plaintiff from injury while Plaintiff was lawfully within the School Premises.

113. At all relevant times hereto, while lawfully upon the premises, Plaintiff Yonah Kohn was caused to be injured solely and wholly due to the negligence and carelessness of Defendant RCBYZ.

114. That solely and wholly by reason of the foregoing, Plaintiff Yonah Kohn was injured.

115. That said occurrence and the resulting injuries to Plaintiff Yonah Kohn were caused solely and wholly by reason of the negligence and carelessness of Defendant RCBYZ in the ownership, operation, management, maintenance, control, security and supervision of the School

Premises and the employees within the School Premises known as Rabbinical College Bobover Yeshiva Bnei Zion.

116. That as a result of the foregoing, Plaintiff Yonah Kohn was injured solely and wholly as a result of the negligence, carelessness and recklessness of Defendant RCBYZ, without any negligence on the part of the Plaintiff contributing thereto.

117. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**SECOND CAUSE OF ACTION
NEGLIGENCE
AGAINST CSZB**

118. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

119. At all times relevant, Defendant CSZB owned, operated, managed, maintained, controlled, secured and supervised the premises and employees within the Mikvah Premises.

120. At all times relevant, Defendant CSZB as the owner, operator, supervisor and manager of the Mikvah Premises and the employees within the Mikvah Premises had a duty to protect the Plaintiff from injury while Plaintiff was lawfully within the Mikvah Premises.

121. That on at all times relevant while lawfully upon the premises, Plaintiff Yonah Kohn was caused to be injured solely and wholly due to the negligence and carelessness of Defendant CSZB.

122. That solely and wholly by reason of the foregoing, Plaintiff Yonah Kohn was injured.

123. That said occurrence and the resulting injuries to Plaintiff Yonah Kohn were caused solely and wholly by reason of the negligence and carelessness of Defendant CSZB in the

ownership, operation, management, maintenance, control, security and supervision of the Mikvah Premises and the occupants within the Mikvah Premises.

124. That as a result of the foregoing, Plaintiff Yonah Kohn was injured solely and wholly as a result of the negligence, carelessness and recklessness of Defendant CSZB, without any negligence on the part of the Plaintiff contributing thereto.

125. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

THIRD CAUSE OF ACTION
NEGLIGENCE
AGAINST SHAVLA

126. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

127. At all times relevant, Defendant Shavla owned, operated, managed, maintained, controlled, secured and supervised the premises and employees within the Camp Premises.

128. At all times relevant, Defendant Shavla as the owner, operator, supervisor and manager of the Camp Premises and the employees within the Camp Premises had a duty to protect the Plaintiff from injury while Plaintiff was lawfully within the Camp Premises.

129. That at all times relevant while lawfully upon the premises, Plaintiff Yonah Kohn was caused to be injured solely and wholly due to the negligence and carelessness of Defendant Shavla.

130. That solely and wholly by reason of the foregoing, Plaintiff Yonah Kohn was injured.

131. That said occurrence and the resulting injuries to Plaintiff Yonah Kohn were caused solely and wholly by reason of the negligence and carelessness of Defendant Shavla in the

ownership, operation, management, maintenance, control, security and supervision of the premises and the employees and occupants within the Camp Premises known as Camp Shavla.

132. That as a result of the foregoing, Plaintiff Yonah Kohn was injured solely and wholly as a result of the negligence, carelessness and recklessness of Defendant Shavla, without any negligence on the part of the Plaintiff contributing thereto.

133. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**FOURTH CAUSE OF ACTION
INADEQUATE SECURITY
AGAINST RCBYZ**

134. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

135. That RCBYZ negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the School Premises.

136. That RCBYZ negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the premises and while defendant had knowledge of its employees Weiss and Pfefferkorn’s propensity for the type of behavior which resulted in Plaintiff’s injuries in this action.

137. That RCBYZ negligently failed to safeguard Plaintiff Yonah Kohn, a child.

138. That RCBYZ knew or should have known of its employee Weiss and Pfefferkorn’s propensity for the conduct that caused Plaintiff’s injuries and negligently failed to take reasonable measures to protect and provide security to the Plaintiff.

139. That as a result of the foregoing Plaintiff was seriously and permanently injured.

140. That said occurrence and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of RCBYZ in the ownership, operation, management, maintenance, control, security and supervision of the premises and employees within the School Premises.

141. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of RCBYZ, without any negligence on the part of the Plaintiff contributing thereto.

142. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**FIFTH CAUSE OF ACTION
INADEQUATE SECURITY
AGAINST CSZB**

143. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

144. That CSZB negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the Mikvah Premises.

145. That CSZB negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the premises and while defendant had knowledge of the propensity for the type of behavior, specifically because of the frequency of nudity and lack of monitoring of adults with children on the Mikvah Premises which resulted in Plaintiff’s injuries in this action.

146. That CSZB negligently failed to safeguard Plaintiff, a child.

147. CSZB knew or should have known of the propensity for the conduct that caused Plaintiff’s injuries and negligently failed to take reasonable measures to protect and provide security to the Plaintiff.

148. That as a result of the foregoing Plaintiff was seriously and permanently injured.

149. That said occurrence and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of CSZB in the ownership, operation, management, maintenance, control, security and supervision of the Mikvah Premises and occupants within the Mikvah Premises.

150. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of CSZB, without any negligence on the part of the Plaintiff contributing thereto.

151. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**SIXTH CAUSE OF ACTION
INADEQUATE SECURITY
AGAINST SHALVA**

152. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

153. That Shalva negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the Camp Premises.

154. That Shalva negligently failed to provide adequate security to Plaintiff while Plaintiff was lawfully within the Camp Premises and while Defendant had knowledge of the propensity for the type of behavior which resulted in Plaintiff’s injuries in this action.

155. That Shalva negligently failed to safeguard Plaintiff, a child.

156. That Shalva knew or should have known of the propensity for the conduct that caused Plaintiff’s injuries and negligently failed to take reasonable measures to protect and provide security to the Plaintiff.

157. That as a result of the foregoing Plaintiff was seriously and permanently injured.

158. That said occurrence and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of Shalva in the ownership, operation, management, maintenance, control, security and supervision of the premises and employees within the premises.

159. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of Shalva, without any negligence on the part of the Plaintiff contributing thereto.

160. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**SEVENTH CAUSE OF ACTION
NEGLIGENT HIRING, SUPERVISION, and RETENTION
AGAINST RCBYZ**

161. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

162. That RCBYZ negligently hired and retained its employees Weiss and Pfefferkorn with knowledge of Weiss and Pfefferkorn’s propensity for the type of behavior which resulted in plaintiff’s injuries in this action.

163. That RCBYZ negligently placed its employees Weiss and Pfefferkorn in a position to cause foreseeable harm, which most probably would not have occurred had RCBYZ taken reasonable care in the hiring of employees.

164. That RCBYZ negligently hired and retained its employees Weiss and Pfefferkorn negligently placed its employees Weiss and Pfefferkorn in a position to cause foreseeable harm,

which Plaintiff would not have been subjected to had RCBYZ taken reasonable care in supervising or retaining the employees Weiss and Pfefferkorn.

165. That RCBYZ knew or should have known of its employees Weiss and Pfefferkorn's propensity for the conduct that caused Plaintiff's injuries.

166. That RCBYZ negligently failed to properly supervise its employees Weiss and Pfefferkorn.

167. That as a result of the foregoing Plaintiff was seriously and permanently injured.

168. That said occurrence and the resulting injuries to Plaintiff were caused solely and wholly by reason of the negligence and carelessness of RCBYZ the ownership, operation, management, maintenance, control, security and supervision of the premises and employees within the premises.

169. That as a result of the foregoing, Plaintiff was injured solely and wholly as a result of the negligence, carelessness and recklessness of RCBYZ, without any negligence on the part of the plaintiff contributing thereto.

170. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**EIGHTH CAUSE OF ACTION
VICARIOUS LIABILITY IN RESPONDEAT SUPERIOR
AGAINST RCBYZ**

171. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs "1" through "109" as if fully set forth herein.

172. RCBYZ was and is vicariously liable in *respondeat superior* to Plaintiff for Weiss and Pfefferkorn's foregoing unlawful conduct in that said acts were reasonably foreseeable by RCBYZ and within the general scope of his employment.

173. RCBYZ was and is vicariously liable in *respondent superior* to Plaintiff for Weiss and Pfefferkorn's foregoing unlawful conduct for given prior instances of similar conduct of Weiss and Pfefferkorn and other employees, agents, and/or servants, as well as Zitronenbaum's failure to respond accordingly, such unlawful conduct was reasonably foreseeable, and within the general scope of RCBYZ's business in that due to prior known instances of similar conduct on part Weiss and Pfefferkorn, the herein actions of same could have been reasonably foreseen by RCBYZ; and, therefore RCBYZ assumed a relationship requiring it be responsible for Plaintiff's safety and protection.

174. As a result of the foregoing the Plaintiff has been caused to suffer and sustain severe and potentially permanent personal injuries, including severe injury and potentially permanent injury to her emotional and psychological well-being.

175. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**NINTH CAUSE OF ACTION
VICARIOUS LIABILITY PREMISED UPON APPARENT AUTHORITY
AGAINST RCBYZ**

176. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs "1" through "109" as if fully set forth herein.

177. RCBYZ was and is vicariously liable to the Plaintiff premised upon apparent authority in that Weiss and Pfefferkorn created an appearance of authority on the part of Weiss and Pfefferkorn upon which, the Plaintiff reasonably relied, thereby enabling Weiss and Pfefferkorn to successfully perpetrate misconduct against the Plaintiff.

178. As a result of the foregoing the Plaintiff has been caused to suffer and sustain severe and potentially permanent personal injuries, including severe injury and potentially permanent injury to her emotional and psychological well-being.

179. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**TENTH CAUSE OF ACTION
BREACH OF DUTY *IN LOCO PARENTIS*
AGAINST RCBYZ**

180. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

181. While Plaintiff was a minor, Plaintiff was entrusted by his/her parents to the control and supervision of RCBYZ. During the times that Plaintiff was entrusted to Weiss and Pfefferkorn, and Weiss and Pfefferkorn were under the supervision and control of Defendants RCBYZ. These Defendants owe – and owed – a duty to children entrusted to them to act *in loco parentis* and to prevent foreseeable injuries.

182. At all times material hereto, Defendant RCBYZ’s actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

183. As a direct result of Defendant RCBYZ, Plaintiff has suffered the injuries and damages described herein.

184. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**ELEVENTH CAUSE OF ACTION
BREACH OF FIDUCIARY DUTY
AGAINST RCBYZ**

185. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

186. While Plaintiff was a minor, Plaintiff was entrusted by his/her parents to the control and supervision of RCBYZ. During the times that Plaintiff was entrusted to Weiss and Pfefferkorn, and Weiss and Pfefferkorn were under the supervision and control of Defendant RCBYZ.

187. There exists a fiduciary relationship of trust, confidence, and reliance between Plaintiff and Defendant RCBYZ, this relationship is based on the entrustment of the Plaintiff while he was a minor child to the care and supervision of the Defendant RCBYZ. This entrustment of the Plaintiff to the care and supervision of Defendant RCBYZ, while Plaintiff was a minor child, required this Defendant to assume a fiduciary relationship and to act in the best interests of the Plaintiff and protect Plaintiff due to infancy and vulnerability.

188. Pursuant to their fiduciary relationship, Defendant RCBYZ, was entrusted with the well-being, care, and safety of Plaintiff.

189. Pursuant to their fiduciary relationship, Defendant RCBYZ assumed a duty to act in the best interests of Plaintiff.

190. Defendant RCBYZ breached its fiduciary duties to Plaintiff.

191. At all times material hereto, Defendant RCBYZ actions were willful, wanton, malicious, reckless, negligent, grossly negligent and/or outrageous in their disregard for the rights and safety of Plaintiff.

192. As a direct result of Defendant RCBYZ, Plaintiff has suffered the injuries and damages described herein.

193. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**TWELVTH CAUSE OF ACTION
BREACH OF NON-DELEGABLE DUTY
AGAINST RCBYZ**

194. Plaintiff repeats and re-alleges each and every allegation set forth in the paragraphs “1” through “109” as if fully set forth herein.

195. While Plaintiff was a minor, Plaintiff was entrusted by his/her parents to the control and supervision of RCBYZ, for the purposes of, *inter alia*, providing Plaintiff with a safe environment in which to study and enhance his knowledge of Judaic customs and practices. There existed a non-delegable duty of trust between Plaintiff and Defendants.

196. Plaintiff was a vulnerable child when placed within the care of the Defendants RCBYZ.

197. As a consequence, Defendant RCBYZ was in the best position to prevent Weiss and Pfefferkorn’s sexual abuse of Plaintiff, to learn of that sexual abuse of Plaintiff and stop it, and to take prompt steps to provide that Plaintiff received timely therapy to address the harm Plaintiff suffered resulting from Weiss and Pfefferkorn’s sexual abuse of Plaintiff. Such prompt steps would have mitigated the extent of lifetime suffering Plaintiff has had to endure.

198. By virtue of the fact that Plaintiff was sexually abused as a minor child entrusted to the care of the Defendant RCBYZ breached their non-delegable duty to Plaintiff.

199. At all material times hereto, Weiss and Pfefferkorn were under the supervision, employ, direction and/or control of RCBYZ.

200. As a direct result of Defendant RCBYZ’s negligence and inaction, Plaintiff has suffered the injuries and damages described herein.

201. By reason of the foregoing, Defendant is liable to Plaintiff for compensatory damages and for punitive damages, together with interests and costs.

**THIRTHTEEN CAUSE OF ACTION
NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
AGAINST ALL DEFENDANTS**

202. Plaintiff repeats and re-alleges each and every allegation set forth in paragraphs “1” through “109” as if fully set forth herein.

203. Defendant RCBYZ, and their agents, servants, and/or employees knew or reasonably should have known that the failure to properly advise, supervise, and hire Weiss and Pfefferkorn, the agents, servants, and employees who sexually abused Plaintiff, and the failure to maintain adequate security on the School Premises, would and did proximately result in physical and emotional distress to Plaintiff.

204. Defendant CSZB and their agents, servants, and/or employees knew or reasonably should have known that the failure to maintain adequate security on the Mikvah Premises, would and did proximately result in physical and emotional distress to Plaintiff.

205. Defendant Shalva and their agents, servants, and/or employees knew or reasonably should have known that the failure to maintain adequate security on the Camp Premises, would and did proximately result in physical and emotional distress to Plaintiff.

206. Defendant RCBYZ and their agents, servants, and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

207. Defendant CSZB and their agents, servants, and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

208. Defendant Shalva and their agents, servants, and/or employees knew or reasonably should have known that the sexual abuse and other improper conduct would and did proximately result in physical and emotional distress to Plaintiff.

209. Defendant RCBYZ had the power, ability, authority, and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused by Weiss and Pfefferkorn.

210. Defendant CSZB had the power, ability, authority, and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused on the Mikvah Premises.

211. Defendant Shalva had the power, ability, authority, and duty to intervene with and/or stop the improper conduct that resulted in Plaintiff being sexually abused on the Camp Premises.

212. Despite said knowledge, power and duty, Defendant RCBYZ negligently failed to act so as to stop, prevent, and prohibit the improper conducted that resulted in Weiss and Pfefferkorn sexually abusing Plaintiff.

213. Despite said knowledge, power and duty, Defendant CSZB negligently failed to act so as to stop, prevent, and prohibit the improper conducted that resulted in Pfefferkorn sexually abusing Plaintiff.

214. Despite said knowledge, power and duty, Defendant Shalva negligently failed to act so as to stop, prevent, and prohibit the improper conducted that resulted in the sexual abuse of Plaintiff.

215. By reason of the foregoing, Defendants RCBYZ, CSZB, and Shalva, jointly and severally, are liable to Plaintiff for compensatory damages and punitive damages, together with interests and costs.

WHEREFORE, Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; extent permitted by law;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
- D. Awarding prejudgment interest to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York
October 16, 2019

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, LLP

MICHAEL ROSE, ESQ.
HILLARY M. NAPPI, ESQ.
112 Madison Avenue, 10th Floor
New York, New York 10016
212-213-8311

215. By reason of the foregoing, Defendants RCBYZ, CSZB, and Shalva, jointly and severally, are liable to Plaintiff for compensatory damages and punitive damages, together with interests and costs.

WHEREFORE, Plaintiff, demands judgment against the Defendants on each cause of action as follows:

- A. Awarding compensatory damages in an amount to be proved at trial, but in any event in an amount that exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction; extent permitted by law;
- B. Awarding punitive damages to the extent permitted by law;
- C. Awarding costs and fees of this action, including attorneys' fees to the extent permitted by law;
- D. Awarding prejudgment interest to the extent permitted by law;
- E. Awarding such other and further relief as to this Court may seem just and proper.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York
October 16, 2019

Respectfully Submitted,

HACH ROSE SCHIRIPPA & CHEVERIE, LLP



MICHAEL ROSE, ESQ.
HILLARY M. NAPPI, ESQ.
112 Madison Avenue, 10th Floor
New York, New York 10016
212-213-8311

Attorneys for Plaintiff Yonah Kohn

ATTORNEY VERIFICATION

Hillary M. Nappi, an attorney duly admitted and licensed to practice law in the courts of the State of New York, hereby affirms, pursuant to CPLR ¶ 2106, states under the penalty of perjury, as follows:

I am an associate at Hach Rose Schirripa & Cheverie LLP, attorneys for the Plaintiff herein, and as such, fully familiar with all the facts and circumstances heretofore stated herein by reason of a file maintained in our office located at 112 Madison Avenue, 10th floor, New York, New York 10016; I have read the foregoing Complaint, and the same is true to our own knowledge, except as to the matters therein stated to be alleged upon information and belief and, as to those matters, we believe them to be true; and that this verification is being made by us because the Plaintiff does not reside within New York County wherein our office is located.

Dated: October 16, 2019
New York, New York

Hillary Nappi